

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DARRYL KEYES,

Petitioner,

v.

CIVIL ACTION NO. 2:05-cv-00057
(Criminal No. 2:02-cr-00235-02)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is the petitioner's motion [Docket 63] under 28 U.S.C. § 2255 to vacate, set aside or correct sentence. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court 1) find that the petitioner has failed to comply with the court's request and that he was adequately advised of the consequences of failing to respond; 2) deny the petitioner's § 2555 motion; and 3) dismiss this matter with prejudice.

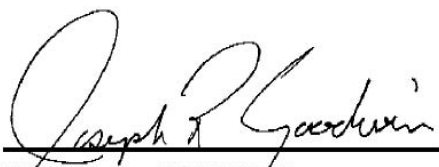
Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **FINDS** that the petitioner has failed to comply with the court's request and that he was adequately advised of the consequences of failing to respond. Accordingly,

the court **DENIES** the petitioner's § 2555 motion [Docket 63], and **DISMISSES** this matter with prejudice.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: October 3, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE